



Office of the Attorney General  
State of Texas

May 29, 1992

DAN MORALES  
ATTORNEY GENERAL

Ms. Annette Jones  
Police Legal Advisor  
City of Waco  
Legal Services  
P. O. Box 2570  
Waco, Texas 76702-2570

OR92-288

Dear Ms. Jones:

This is to acknowledge receipt of your faxed transmission dated May 26, 1992, in which you request reconsideration of Open Records Letter OR92-259 (1992). Your letter has been assigned ID# 16160.

In OR92-259, this office held that

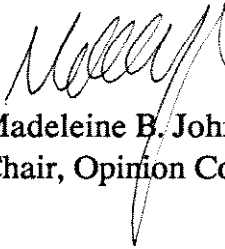
[s]hould you at some future date request that this matter be reopened and considered, we will not consider your request timely, and will consider all discretionary exceptions to required public disclosure waived *unless you can demonstrate compelling reasons why the information should not be released*. In the absence of such a compelling demonstration, we find that you have not met your burden under the heightened presumption of openness and must release the requested information. (Emphasis added, citation omitted.)

We have reviewed the documents at issue and have determined that none of the information is deemed confidential by law. In your request for reconsideration, however, you state that the circumstances surrounding the requested records have changed since the time that you initially requested an open records decision and that the City of Waco now anticipates becoming a party to civil litigation pertaining to the information at issue.

A previous determination of this office, Open Records Decision No. 515 (1988) at 6, a copy of which is enclosed, resolves your request. When governmental bodies raises additional arguments for withholding information long after the ten days provided for in section 7(a) of the Open Records Act, they must show compelling reasons why the this office should consider those arguments. You have not presented any argument beyond that which is typical of a normal section 3(a)(3) claim. Accordingly, we find that you have not demonstrated a compelling reason for withholding the requested information. We therefore refuse to reconsider our previous ruling; the city must release the requested documents in their entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-288.

Yours very truly,



Madeleine B. Johnson  
Chair, Opinion Committee

MBJ/RWP/lmm

Ref.: ID# 16160  
ID# 15689

Enclosure: Open Records Decision No. 515

cc: Mr. Mark Hill  
9617 Great Hills Trail  
Austin, Texas 78759